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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,710	02/01/2000	Andress Sommer	P66.2717	5203

7590 02/25/2005

SCHIFF HARDIN & WAITE
PATENT DEPARTMENT
7100 SEARS TOWER
CHICAGO, IL 60606-6473

EXAMINER

SONG, HOON K

ART UNIT PAPER NUMBER

2882

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p>09/495,710</p>	<p>Applicant(s)</p> <p>SOMMER, ADDRESS</p>	
	<p>Examiner</p> <p>Hoon Song</p>	<p>Art Unit</p> <p>2882</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claim 3 is withdrawn in view of the newly discovered reference(s) to Watanabe (US 6155713). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomura et al. (US 6212251B1).

Regarding claim 1, Tomura teaches a computed tomography apparatus comprising:

a gantry (7) having a measuring opening;

an x-ray source (9) mounted in said gantry having a focus from which radiation is emitted, at least said focus rotating around said measuring opening for irradiating an examination subject from different directions;

a detector (11) disposed in said opening for obtaining projection datasets corresponding to radiation incident on said detector as said focus rotates around said measuring opening; and

a support table having a continuous, one-piece support plate (3), having a length adapted to receive an entirety of an examination subject (5) thereon (figure 1), and a carrier (1), said support plate being non-displaceably mounted cantilevered to said carrier (1) (column 3 line 56-57); and

a mechanism (figure 3) for moving said gantry (7) independently of said support table, including movement of said gantry into a use position wherein said support plate extends through said measuring opening (figure 4c, column 6 line 21-25).

Regarding claim 2, Tomura teaches said carrier comprises a floor stand (2).

Regarding claim 6, Tomura teaches said gantry has a system axis and further comprising a motor drive (25) for moving said gantry along said system axis to allow scanning of a volume of an examination subject adapted to be received on said support plate in said measuring opening (column 6 line 21-25).

Regarding claim 7, Tomura teaches wherein said mechanism comprises rails (33) along which said gantry is movable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomura in view of Watanabe (US 6155713).

Regarding claim 3, Tomura fails to teach that the carrier comprises a ceiling stand.

Watanabe teaches a patient support carrier comprising a ceiling stand.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the floor stand patient carrier of Tomura with the ceiling stand as taught by Watanabe, since the ceiling stand would eliminate obstacles under the support plate for safety reasons.

Claims 1-2, 4, 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna (US Re. 36415) in view of Van Acker et al. (US 4942597).

Regarding claim 1, McKenna teaches a computed tomography apparatus comprising:

a gantry (10) having a measuring opening;

an x-ray source mounted in said gantry having a focus from which radiation is emitted, at least said focus rotating around said measuring opening for irradiating an examination subject from different directions (figure 1, column 50-60);

a detector disposed in said opening for obtaining projection datasets corresponding to radiation incident on said detector as said focus rotates around said measuring opening (figure 1, column 50-60);

a support table (40) having a continuous, one-piece support plate (56) and a carrier (42, 44, 46)

a mechanism (70) for moving said gantry independently of said support table (56), including movement of said gantry into a use position, wherein said support plate extends (the patient support member slid into the gantry) through said measuring opening (column 7 line 4-14).

However McKenna fails to teach the support plate having a length adapted to receive an entirety of an examination subject thereon, and being non-displaceably mounted cantilevered to said carrier.

Van Acker teaches a support plate (1) having a length adapted to receive an entirety of an examination subject thereon, and being non-displaceably mounted cantilevered to a carrier (11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the support table of McKenna with non-displaceable, cantilevered support plate as taught by Van Acker, since the non-displaceable, cantilevered support plate would provide simple patient supporting mechanism which provides greater range of imaging possibilities including upper body and abdominal imaging.

Regarding claim 2, McKenna teaches said carrier comprises a floor stand (46).

Regarding claim 4, McKenna teaches said support table is movable (44, column 6 line 36).

Regarding claim 6, McKenna teaches said gantry has a system axis and further comprising a motor drive (76) for moving said gantry along said system axis (Z) to allow scanning of a volume of an examination subject adapted to be received on said support plate in said measuring opening (column 7 line 50-65).

Regarding claim 7, McKenna teaches wherein said mechanism comprises rails (80) along which said gantry is movable.

Response to Arguments

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5, the prior art fails to teach said support table has a longitudinal axis and wherein said gantry has a system axis, and wherein said support table is positionable relative to said gantry so that said longitudinal axis and said system axis, when projected into a horizontal plane, intersect when said gantry is in said use position.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon Song whose telephone number is (571) 272-2494. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

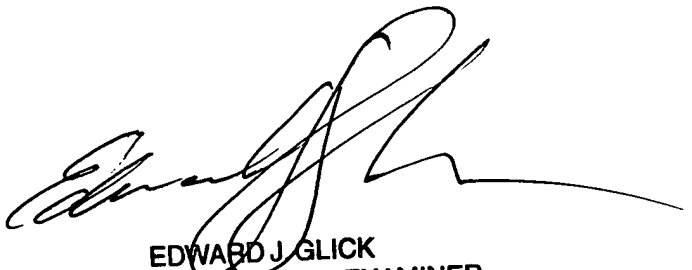
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272 - 2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2882

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HKS

2/22/05



EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER